

**-IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RANDALL COPE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 19-CV-403-SMY
)	
WARDEN ERIC WILLIAMS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Petitioner Randall Cope filed this habeas corpus action pursuant to 28 U.S.C. § 2241 to challenge the constitutionality of his confinement. Cope argued that following *United States v. Davis*, 139 S. Ct. 2319 (2019), his conviction and sentence for use of a firearm during and in relation to a crime of violence should be vacated. Alternatively, he asserted that his conviction is unconstitutional under *Rosemond v. United States*, 572 U.S. 65 (2014). The Court ultimately dismissed Cope’s Petition with prejudice (Doc. 31) and denied his motion for reconsideration (Doc. 34). This case is now before the Court for consideration of Cope’s Motion to Proceed *in Forma Pauperis* (“IFP”) on Appeal (Doc. 36).

The Court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) & (3); FED. R. APP. P. 24(a)(3)(A). An appeal is taken in “good faith” if it seeks review of any issue that is not clearly frivolous, meaning that a reasonable person could suppose it to have at least some legal merit. *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

Here, Cope identifies the issues he intends to appeal and provides necessary details regarding his financial condition. Based on that information, the Court finds that he is indigent and that his appeal is taken in good faith. Accordingly, Cope’s Motion to Proceed *in Forma*

Pauperis on Appeal (Doc. 36) is **GRANTED**.

IT IS SO ORDERED.

DATED: October 25, 2022

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The words "UNITED STATES DISTRICT COURT" are inscribed around the top inner edge of the seal, and "DISTRICT OF COLUMBIA" is at the bottom.

STACI M. YANDLE
United States District Judge